

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 748 - HB 1250**

February 25, 2019

**SUMMARY OF BILL:** Enhances the penalty for criminal impersonation of a law enforcement officer to a Class D felony. Imposes a minimum fine of \$2,500 if the offense occurred while operating a motor vehicle.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$123,000 Incarceration\***

**Decrease Local Expenditures – \$3,500**

**Assumptions:**

- Based on information provided by the Administrative Office of the Courts, there has been an average of 7.2 convictions each year over the last five years at the state court level for violations of Tenn. Code Ann. § 39-16-301. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 72 convictions ( $7.2 / 10\% = 72$ ) per year for misdemeanor violations of Tenn. Code Ann. § 39-16-301.
- Tenn. Code Ann. § 39-16-301 establishes a Class A misdemeanor for criminal impersonation of a law enforcement officer and criminal impersonation of an active duty member or veteran of uniformed service.
- It is estimated that 50 percent, or 36 ( $72 \times 50\%$ ), of convictions result from criminal impersonation of a law enforcement officer.
- Ten percent of individuals convicted of a Class A misdemeanor for criminal impersonation of a law enforcement officer are assumed to be spending an average of 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The total decrease in local incarceration expenditures resulting from the proposed legislation is estimated to be \$3,456 ( $36 \text{ convictions} \times 10\% \text{ serving time} \times \$64 \text{ cost per day} \times 15 \text{ days}$ ).
- This analysis assumes that most persons convicted get probation. It is further assumed that only 10 percent ( $36 \times 10.0\% = 3.6$ ) of such convictions will result in admissions into Department of Correction (DOC) custody each year.
- Population growth will not impact these admissions.

- According to the DOC, 41.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 41.7 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this legislation. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (3 offenders x .417 = 1 offender).
- The average time served for a Class D felony is 2.3 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two (3 offenders – 1 recidivism discount) offenders admitted every year serving an additional 2.3 years (840.08 days) for an annualized increase in state incarceration expenditures of \$122,954 (\$73.18 x 840.08 x 2).
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase local revenue.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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